

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the Application of:

Ronald L. Mahany

Serial No. 09/723,930

Filed: November 28, 2000

For: Hierarchical Communication System

Examiner: Nguyen, Toan D.

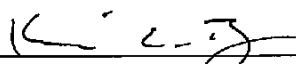
Group Art Unit: 2665

Confirmation No.: 9863

**CERTIFICATE OF ELECTRONIC FILING**

I hereby certify that this correspondence is being sent via electronic filing to the United States Patent and Trademark Office on this date:

November 16, 2006

  
Kevin E. Borg  
Reg. No. 51,486

**INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Attached with this electronic submission are the following:

- A completed PTO/SB/08A which has one (1) page.
- A copy of each printed reference listed in the PTO/SB/08A form is attached. Applicants, however, have not submitted U.S. Patents or other references previously provided to or by the PTO in this application. Nine (9) references are attached.

**FEE DETERMINATION AND PAYMENT**

A fee of \$180.00 is due because:

- The first Office action on the merits has been received by applicant(s).
- Applicant(s) believe(s) that this statement and attachments are being filed before any final action has been mailed by the PTO; before a notice of allowance has issued; and prior to any other action that would close prosecution in the application. The basis of this belief is that no final action, no notice of allowance,

and no other action that would close prosecution of the application appear to have been received by the undersigned to date.

The Commissioner is hereby authorized to charge any fees which are presently required, or credit any overpayment, to Deposit Account No. 13-0017.

#### **REQUEST FOR CONSIDERATION**

This paper and attachments are believed to be entitled to consideration under 37 C.F.R. § 1.97, based on the facts stated above.

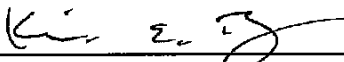
The owner of record of the present application, Broadcom Corporation, is currently involved in an opposition with Qualcomm, Inc., pending in the European Patent Office regarding EP 0 784 893.

The references being submitted have been either cited, produced or relied upon by Qualcomm thus far during the above-mentioned opposition. This electronic submission is in no way intended as an admission that the submitted references constitute prior art under any subsection of 35 U.S.C. §102 or §103. Applicant expressly retains the right to argue that any of the cited references are not indeed prior art or to take any actions necessary to remove any of the cited references from the available prior art.

The Examiner is requested to initial both copies of the attached PTO/SB/08A and return one copy to the applicants to indicate consideration of the attached references.

Respectfully submitted,

Date: November 16, 2006

  
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|---|---|-------------------|---|---------------------------|------------|
| Substitute for form 1449A/PTO<br><br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br><i>(use as many sheets as necessary)</i> |   |                   |   | <b>Complete if Known</b>  |            |
|   |   |                   |   | <b>Application Number</b> | 09/723,930 |
| <b>Filing Date</b>  |   | November 28, 2000 |   |                           |            |
| <b>First Named Inventor</b>   |   | Ronald L. Mahany  |   |                           |            |
| <b>Group Art Unit</b>   |   | 2665              |   |                           |            |
| <b>Examiner Name</b>  |   | Nguyen, Toan D.   |   |                           |            |
| <b>Attorney Docket No.</b>  |   | 14409US01         |   |                           |            |
| Sheet   | 1 | of                | 1 |                           |            |

| U.S. PATENT DOCUMENTS |                       |  |                                |  |   |
|-----------------------|-----------------------|--|--------------------------------|--|---|
| Examiner Initial*     | Cite No. <sup>1</sup> | Document Number<br>Number-Kind Code <sup>2</sup><br>(if known) | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear |
|                       | A7                    | 5,295,154  | 03/15/1994                     | Meier et al.                                       |   |
|                       | A8                    | 5,394,436  | 02/28/1995                     | Meier et al.                                       |   |

| FOREIGN PATENT DOCUMENTS |                       |  |                                |  |   |                |
|--------------------------|-----------------------|--|--------------------------------|--|---|----------------|
| Examiner Initials*       | Cite No. <sup>1</sup> | Foreign Patent Document<br>Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known) | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines,<br>Where Relevant Passages<br>or Relevant Figures Appear | T <sup>6</sup> |
|                          | B1                    | WO 94/11967  | 05/26/1994                     | Weeks  |   |                |
|                          | B2                    | WO 96/05592  | 02/22/1996                     | Qualcomm   |   |                |

| OTHER ART -- NON PATENT LITERATURE DOCUMENTS |                       |  |
|--|-----------------------|--|
| Examiner Initials*                           | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published |
|  | C15                   | HUANG, "Data Replication For Mobile Computers", ACM-SIGMOD, 05/1994  |
|  | C16                   | BLAZE, "Catching In Large-Scale Distributed File Systems", PhD thesis, Princeton University, 01/1993   |
|  | C17                   | IMIELINSKI et al., "Mobile Wireless Computing: Solutions And Challenges In Data Management", Dept. of Computer Science, Rutgers University, 1992   |
|  | C18                   | DOUGLAS, "Transparent Process Migration: Design Alternatives And The Sprite Implementation", Software-Practice And Experience, Vol.; 21(8), 757-785, 08/1991   |
|  | C19                   | BARTAL et al., "The Distributed k-Server Problem -A Competitive Distributed Translator for k-Server Algorithms, 1992   |
|  | C20                   | BARBARA et al., "Replicated Data Management In Mobile Environments: Anything New Under The Sun?", 10/22/1993   |
|  | C21                   | HUANG et al., "Object Allocation In Distributed Databases And Mobile Computers", 02/1994   |

|                       |                 |
|-----------------------|-----------------|
| EXAMINER<br>SIGNATURE | DATE CONSIDERED |
|-----------------------|-----------------|

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard St. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450 Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. Send TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1800-786-9199) and select option 2.

Rev. Sept. 03

J:\OPEN\phs\Broadcom (1772)\Qualcomm\Litigation Statement & IDS Project\Santa Ana 05-467 Litigation Statement & IDS\5,657,317 and 6,389,010 - VoIP\Supp2 IDS - VoIP 5,657,317 and 6,389,010\Fee\14409US01\14409US01 Supp PTO SB08A.doc